UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,972	12/31/2001	Olli Seppala	1149.41027X00	5444

20457   7590   08/12/2004

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EXAMINER
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ART UNIT	PAPER NUMBER
2685	7

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _31 December 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _18-35_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _18-35_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _6_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 26, it is unclear what "a mobile of updating radio channel setting of a mobile phone" means. However, claims 26-35 are method claims of updating radio channel setting of a mobile phone. Therefore, examiner suggests "a mobile of updating radio channel setting of a mobile phone" should be changed to --a method of updating radio channel setting of a mobile phone--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.   Claim 26 is rejected under 35 U.S.C. 102(e) as being anticipated by Jarvi et al (US 2003/0069032).

As to claim 26, Jarvi teaches a method of updating radio channel setting of

mobile phone having a broadband AM/FM radio receiver (see fig. 4, number 410, page

3, paragraphs 0024-0025), by sending a message containing radio channel setting to

the mobile phone (see page 2, paragraph 0021).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 18, 23, 27, 28, 29, 30, 33, 34, 35 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Jarvi et al (US 2003/0069032) in view of Konisi et al (US

6,181,921).

As to claim 18, Jarvi teaches a mobile phone comprising a broadband radio

signal receiver (see page 3 fig. 4, number 410, paragraphs 0024-25), the mobile

telephone receiving messages with receiver (see page 3 paragraph 0024), storage for

storing a radio channel setting in the received message (see page 3, paragraph 0025).

a radio channel memory for storing a radio channel setting (see page 3, paragraph

0025). Jarvi fails to teach storing a plurality of radio channel settings. Konisi teaches a

radio channel memory for storing a plurality of radio channel settings for each area (see

col. 3, lines 1-20, col. 9, lines 30-35). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to provide the teaching of

Konisi into the system of Jarvi in order to provide mobile users with a more flexible

broadcast storage.

As to claim 23, the combination of Jarvi and Konisi further teaches a mobile

phone, wherein the radio channel setting in the message comprises a radio channel

frequency (see Jarvi page 2, paragraph 0021).

As to claim 27, the claim is rejected as stated in claim 18.

As to claim 28, the claim is rejected as stated in claim 23.

As to claim 29, Jarvi fails to teach a method according to claim 26, comprising

the steps of assigning radio channel setting to different geographical areas, determining

which geographical area the mobile phone is located and sending the message to the

mobile phone containing at least one radio channel setting assigned to the geographical

area the mobile phone is located. Konisi teaches the steps of assigning radio channel

setting to different geographical areas, determining which geographical area the mobile

phone is located and sending the message to the mobile phone containing at least one

radio channel setting assigned to the geographical area the mobile phone is located

(see col. 9, lines 53-67, col. 10, lines 1-32). Therefore, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to provide the teaching

of Konisi into the system of Jarvi in order to inform users of the channel data of a

broadcast station which may be received at the current position (as suggest by Konisi,

see col. 2, lines 20-25).

As to claim 30, the claim is rejected as stated in claim 29.

As to claims 33, 34, the combination of Jarvi and Konisi teaches a message requesting a radio station setting is sent to a server and a message containing the requested radio station setting is returned by the server, wherein a message requesting the radio station setting for geographic area a long a route is sent to a server and the message containing the requested radio station setting is returned by the server (see Jarvi page 2, paragraph 0016, Konisi col. 9, lines 53-67, col. 10, lines 1-32).

As to claim 35, the claim is rejected as stated in claim 23.

3.   Claims 19, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarvi et al (US 2003/0069032) in view of Konisi et al (US 6,181,921) and in further view of Kim (US 6,597,918).

As to claims 19, 24, the combination of Jarvi and Konisi fails to teach a mobile phone, further comprising a detector for detecting that a message contains a radio channel setting, wherein the detector determines a type of content of the message from a data header of the message. Kim teaches a detector for detecting the received message, wherein the detector determines a type of content of the message from a data header of the message (see col. 4, lines 20-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kim into the system of Jarvi and Konisi in order to detect the new incoming messages based on the header of the received messages.

4.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jarvi et al (US 2003/0069032) in view of Konisi et al (US 6,181,921), Kim (US 6,597,918), and in further view of Gupte et al (US 2002/0055350)

As to claim 20, the combination of Jarvi, Konisi, and Kim fails to teach a mobile

phone wherein a menu of user interface is activated when a message is received, the

menu prompting the user to choose either to listen, to save, view details or discard the

received radio channel setting. Gupte teaches that the users can select from the menu

either to listen, to save, view details or discard the received message (see page 3,

paragraph 0030). Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to provide the teaching of Gupte into the system

of Jarvi, Konisi and Kim in order to provide users with more useful features.

5.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jarvi et

al (US 2003/0069032) in view of Konisi et al (US 6,181,921), kim (US 6,597,918), Gupte

et al (US 2002/0055350) and in further view of Cummings-Hill et al (US 6,470,178).

As to claim 21, the combination of applicant's admitted prior art, Konisi, kim and

Gupte fails to teach a mobile phone wherein a further menu of user interface is

activated when the user has chosen to save the radio channel setting, further menu

requesting the user to select one of the channel location numbers of the radio channel

memory. Cummings teaches pushbuttons are employed to select programmed

information saved in the memory (see col. 3, lines 25-36). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to provide

the teaching of Cummings into the system of Jarvi, Konisi, Kim, and Gupte so that users

can retrieve stored information more easily.

6.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jarvi et

al (US 2003/0069032) in view of Konisi et al (US 6,181,921) and in further view of Park

(US 6,408,188).

As to claim 22, the combination of Jarvi and Konisi fails to teach a mobile phone,

further comprising a transmitter which sends a message containing a radio channel

setting. Park teaches a transmitter which sends a message to multiple receivers (see

col. 2, lines 26-45). Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to provide the teaching of Park into the system of

Jarvi and Konisi so that the signals from the signal processor can be modulated into the

radio signals.

7.   Claims 25, 31, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Jarvi et al (US 2003/0069032) in view of Konisi et al (US 6,181,921) and further in

view of Villa-Real (US 4,481,382).

As to claim 25, the combination of Jarvi and Konisi teaches a mobile phone,

comprising a receiver which receives a message containing radio channel frequency.

The combination of Jarvi and Konisi fails to teach a time and date of a radio program

and a control which activates the broadband AM and/or FM radio signal receiver and

tunes a radio signal receiver to receive channel when time and date of the receive radio

program has been reached. Villa-Real teaches time and date of a radio program and a

control which activates the broadband AM and/or FM radio signal receiver and tunes a

radio signal receiver to receive channel when time and date of the receive radio

program has been reached (see col. 9, lines 46-68, col. 10, lines 1-53). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Villa-Real into the system of Applicant's admitted prior art and Konisi in order to provide better services to the users.

As to claims 31, 32, the claims are rejected as stated in claim 25.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lyons (US 6,282,412) teaches geographically adaptive portable broadcast receiver.

Vanttinen (US 2001/009857) teaches location of subscriber terminalin packet switched radio system.

Cannon et al (US 2002/0137552) teaches indication unit for a portable wireless device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T Le whose telephone number is 703-305-4538. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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